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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/825,941

04/05/2001

Masahiko Honda

Q63935

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11/03/2004

SUGHRUE, MION, ZINN
MACPEAK & SEAS
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EXAMINER

SHAH, CHIRAG G

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/825,941	Applicant(s) HONDA, MASAHIKO	
	Examiner Chirag G Shah	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited' (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/01, 7/01, 9/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1, 5, 10, and 14 objected to because of the following informalities: ($N \geq 1$) and ($M \geq 2$) must be written out for the limitations to be considered. Appropriate correction is required.
2. Claims 1, 5, 10 and 14 objected to because of the following informalities, the limitation [comprising N buffer, each of which comprises priority queues for storing input packets classified under M priorities] does not specify whether the input packets are from switch matrix or from output queue or from input selectors.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-14 rejected under 35 U.S.C. 102(e) as being anticipated by Matsumura et al (U.S. Patent No. 6,269,077), hereinafter, Matsumura.

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37

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CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Referring to claims 1, 5, 10 and 14, Matsumura discloses in figure 1 of a packet switching system having two switch routes, comprising:

N input selectors [input selector 10], each of which selects one of the two switches routes to connect N input lines to the selected one depending on the system switching signal [as disclosed in figure 1, system switch signal corresponding to system switching control unit]; two switch sections provides for respective ones of the two switch routes, each of the switch sections having N input ports and N output ports and comprising N buffers [as disclosed in figure 1; N buffers corresponds to temporary cell storage units 20 and 30]; a high-priority queue and a low-priority queue for storing input packets from switch matrix having the respective priority [as disclosed in figure 1, delay priority selector 40 and 50]; a high/low-priority output queue selector for selecting one of two high priority queues corresponding to respective ones of the two switch sections [as disclosed in figure 1, output selector 60]; a high/low output queue for storing an output of the selected one of the two respective queues [see figure 2]; a controller for controlling the delay output selectors depending on the system switching signal and a packet storing status of each of the high-priority and low priority queues [as disclosed in figure 3]; sequentially switching between two priority queues for each of the M priorities corresponding to respective ones of the two switch section to store an output of a selected one into a corresponding one of the M priority output queues in descending order of priority [as disclosed in figure 2 and 3 and column 6, lines 5-42 and column 5, lines 4-16], simultaneous control of temporary cell storage

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unit 20 of the active system and temporary cell storage unit of the stand-by system so that cells in them can be read out in the order of their delay priority] as claims.

Referring to claims 2, 6 and 11, wherein when the one of the two switch routes is switched to other by the system switching signal [system switching control means comprises a system-switching control units as disclosed in col. 2, lines 32-65], the controller monitors a packet storing status of each of the high-priority and low-priority queues [system-switching control unit 21 or 31, in each system mutually communicates with each other and manages a temporary cell storage nit, in which cells to be read out are stored in accordance with the delay priority group as disclosed in figure 1 and abstract] and, if the one of the two high-priority queues corresponding to respective ones of the two switch sections becomes empty, then the controller instructs the high-priority output selector to select the other of the two high-priority queues to store an output of the selected one into the high-priority output queue [as disclosed in column 2, lines 18-48, column 4, lines 57-59, column 5, lines 35-46, control means for arbitrating cell reading form which temporary cell storage unit is to be performed depending on cell storage condition] as claims.

Referring to claims 3, 7 and 12, Matsumura discloses that the switch section further comprises a readout controller [read control unit 204 in figure 3] controlling a packet reading sequence of the high-priority and low-priority queues for each of the N buffers such that priority in packet reading is given to the high-priority queue [as disclosed in figure 1, 3 and in column 5, lines 4-16, the system-switching control unit 21 instructs to the temporary cell storage unit 20 to read out cells in the order of higher delay priority. Thus cells are read out successively in he order of their delay priorities] as claims.

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Referring to claims 4, 8, 9, 13, Matsumura discloses wherein the readout controller starts reading out low-priority packet stored in the low-priority queue after all high-priority packets stored in the high priority queue have been completely read out [as disclosed in column 5, lines 4-16 and in column 6, lines 57-64, once all cells in the same priority group (high priority) have been read out, then cells in the next priority order group are to be read out] as claims.

Any response to this action should be mailed to:

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Or faxed to:

(703)305-3988, (for formal communications intended for entry)

Or:

(703)305-3988 (for informal or draft communications, please label "Proposed" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs
October 14, 2004


Ajit Patel
Primary Examiner